

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0767-01
Bill No.: Perfected HB 257
Subject: Boards, Commissions, Councils; Crimes and Punishment; Criminal Procedure;
Courts
Type: Original
Date: April 12, 2011

Bill Summary: This proposal abolishes the Sentencing Advisory Commission.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
General Revenue	\$81,223	\$99,097	\$100,760
Total Estimated Net Effect on General Revenue Fund	\$81,223	\$99,097	\$100,760

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 5 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
General Revenue	-1 FTE	-1 FTE	-1 FTE
Total Estimated Net Effect on FTE	-1	-1	-1

☐ Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

☐ Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of the Governor, Office of Prosecution Services**, and the **Office of the State Public Defender** each assume the proposal would not create a fiscal impact on their respective agencies.

Officials from the **Department of Corrections (DOC)** state it is difficult to estimate an impact on the offender population from the abolition of the Sentencing Advisory Commission (SAR). The abolition of the recommended sentences would affect the preparation of the sentencing assessment report by the Board of Probation and Parole. The sentencing assessment report summary includes the recommended sentences and an estimate of the percentage of the recommended sentence that the offender would serve if the offender was sentenced to a prison term. The risk assessment and the estimated times served could continue to be calculated and the SAR document amended to exclude references to the recommended sentences without difficulty.

DOC states this legislation potentially could cause judges to revert back to the way they sentenced prior to the Sentencing Advisory Commission. This might be a potential negative fiscal impact, but the amount would be unknown but expected to be less than \$100,000 per year for the DOC.

Oversight assumes the estimated cost assumed by DOC is speculative and based upon potential outcomes of the abolishment of the commission. Oversight assumes this proposal would not have a direct fiscal impact upon the DOC.

Officials from the **Office of the State Courts Administrator (CTS)** state currently, the Judiciary's budget contains an appropriation of \$78,893 for the Sentencing Advisory Commission, which includes one FTE. CTS assumes a savings of \$53,800 (salary plus fringe benefits) and \$43,667 for equipment and expenses for a total savings of \$97,467 per year from this proposal.

The members of the commission shall not receive compensation for their duties on the commission, but shall be reimbursed for actual and necessary expenses incurred in the performance of their duties. **Oversight** assumes the actual and necessary expenses incurred by the commission members are included in the estimated savings provided by CTS or are a minimal amount.

<u>FISCAL IMPACT - State Government</u>	FY 2012 (10 Mo.)	FY 2013	FY 2014
GENERAL REVENUE			
<u>Savings - CTS</u>			
Personal Service (less 1 FTE)	\$29,430	\$35,669	\$36,026
Fringe Benefits	\$15,404	\$18,669	\$18,856
Expense and Equipment	<u>\$36,389</u>	<u>\$44,759</u>	<u>\$45,878</u>
<u>Total Savings - CTS</u>	<u>\$81,223</u>	<u>\$99,097</u>	<u>\$100,760</u>
ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND	<u>\$81,223</u>	<u>\$99,097</u>	<u>\$100,760</u>
Estimated Net FTE Change for General Revenue Fund	(1 FTE)	(1 FTE)	(1 FTE)
 <u>FISCAL IMPACT - Local Government</u>	 FY 2012 (10 Mo.)	 FY 2013	 FY 2014
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

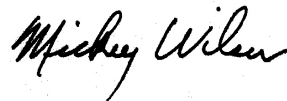
FISCAL DESCRIPTION

This bill repeals the provisions regarding the Sentencing Advisory Commission.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of the State Courts Administrator
Department of Corrections
Office of Prosecution Services
Office of the State Public Defender
Office of the Governor

A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive, flowing style.

Mickey Wilson, CPA
Director
April 12, 2011